

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,
Plaintiff,

v.

U.S. JUSTICE DEPARTMENT,
BUREAU OF PRISONS, FCI McKEAN,
WARDEN JOHN J. LAMANNA, REGIONAL
DIRECTOR D. SCOTT DODRILL, MEDICAL
DIRECTOR NEWTON E. KENDIG, DIRECTOR
HARLEY G. LAPPIN.
Defendants.

Civil Action No. 04-379 E

FILED

OCT - 9 2007

NOTICE OF APPEAL

CLERK OF DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

NOTICE IS HEREBY GIVEN THAT, DEMETRIUS BROWN, herein as Plaintiff in the above named case and, proceeding Pro-Se, hereby appeal to the United States Court of Appeals for the Federal Circuit pursuant to Fed.R.Civ.P. 4(a), from the final judgment entered in this action on the 24th day of September, 2007. The issues for

appeal are: WHETHER THE DISTRICT COURT ABUSED ITS DISCRETION WHEN GRANTING DEFENDANTS' MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT AND WHETHER THE DISTRICT COURT ABUSED ITS DISCRETION WHEN DENYING AS FUTILE PLAINTIFF'S MOTION TO FILE THIRD AMENDED COMPLAINT.

Further, the Court's jurisdiction based on appeal is pursuant to 28 U.S.C. §1295(a)(2).

Respectfully submitted,



Demetrius Brown
Reg. No. 21534-039
FCI RayBrook
P.O. Box 9001
RayBrook, NY. 12977

cc:file
db/db

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PROOF OF SERVICE

I, DEMETRIUS BROWN, do swear or declare that on this date, October 3rd, 2007, as required by Fed.R.Civ.P. 5, I have served the enclosed NOTICE OF APPEAL on each party to the above proceeding or that of party's counsel, and on every person required to be served, by depositing an envelope containing the above documents in FCI RayBrook's internal mail system for mail in the United States, mail properly addressed to each of them and with first-class postage prepaid. The names and addresses of those served are as follows:

MEGAN E. FARRELL
Assistant U.S. Attorney
Western District of PA

at

700 Grant St, Suite 4000
Pittsburgh, PA. 15219
(412)894-7429
PA ID #76972

I declare under penalty of perjury that the foregoing is true and correct. Executed on 10-3-, 2007.

Demetrius Brown